

## **REMARKS/ARGUMENTS**

Claims 1 – 83 are currently pending. Claims 1 – 67 are withdrawn, and claims 68 – 83 are rejected.

The applicants cancel withdrawn claims 1 – 67, amend claims 68 – 83, and add new claims 84 – 86. The applicants do not disclaim the subject matter recited in the canceled claims, and reserve the right to prosecute the canceled claims in the future. The applicants have amended claims 68 – 83, not to overcome the examiner's art-based rejection, but to more clearly recite the subject matter of the these claims. The applicants respectfully disagree with the examiner's rejection against claims 68 – 83 and respectfully assert that claims 68 – 86, as amended, are in condition for allowance for at least the reasons discussed below.

### **Rejection against claims 68 – 83**

The applicants respectfully disagree with the examiner's rejection against claim 68 as originally filed, and assert that claim 68, as amended, is patentable over U.S. Patent 6,587,837 (Spagna) at least because Spagna fails to disclose providing information on how to qualify for a license to use content when a request for a use of the content has been received but the authority to use the content as requested has not been established.

The applicants' claim 68, as amended, recites, in part, a method for determining whether or not to allow a use of content, the method comprising receiving a request to use the content; determining whether or not at least one of a plurality of licenses authorizes the requested use of the content; and providing information on how to qualify for a license, if none of the plurality of licenses authorizes the use.

For example, as shown in Fig. 5 and discussed in paragraphs 59 – 61, a method for evaluating a request to use content comprises communicating to a user who has made a request to use the content, an option for obtaining a license that authorizes the requested use, after it has been determined that the user does not have the authority to use the digital content as requested. The option for obtaining the license may indicate,

for example, an attribute that the user must have before the user may obtain a license that authorizes the requested use, or, for another example, the option may indicate an amount of money that the user must pay before the user may obtain a license that authorizes the requested use.

In contrast, Spagna fails to disclose providing information on how to qualify for a license to use content when a request for a use of the content has been received but the authority to use the content as requested has not been established. Spagna appears to disclose a system for securely distributing media content to a consumer. The system includes a content provider 101 (Fig. 5) that creates the content and generates a license for authorizing a use of the content, an electronic store 103 (Fig. 5) that offers to a consumer the content and the license to use the content, and a clearinghouse 105 (Fig. 5) that processes a consumer's order for the content and the license to use the content, and provides the appropriate content decryption key to the consumer, if the consumer has obtained the authority to use the content. To determine whether or not the consumer has obtained the authority to use the content, the clearinghouse 105 verifies that the offer, the purchase and the associated license of the content are genuine and valid. If the clearinghouse 105 determines that one or more of these are not genuine or not valid, then the clearinghouse 105 does not provide the consumer the appropriate decryption key, and informs the consumer of the reason that the clearinghouse 105 was not able to process the consumer's order. Spagna does not disclose that the clearinghouse 105 informs the consumer how to qualify for a license to use the content after the clearinghouse 105 is unable to process the consumer's order. Therefore, unlike the applicants' claimed method, Spagna's system does not include providing a consumer information on how to qualify for a license to use content when a request for a use of the content has been received but the authority to use the content as requested has not been established.

Claims 69 – 86, as amended, are patentable at least by virtue of their dependencies on amended claim 68.

**Conclusion**

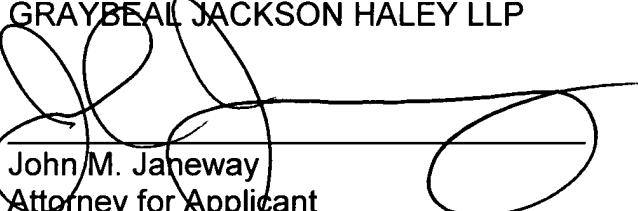
The applicants respectfully request that the examiner withdraw the rejection against claims 68 – 83, and issue an allowance for claims 68 – 86, as amended.

If, after considering this response, the examiner believes the claims should not be allowed, the applicants respectfully request that before issuing an Office Action, the examiner call the applicants' attorney, Mr. Janeway (425-455- 5575), to schedule a telephone conference to further the prosecution of the claims.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

Dated this 27<sup>th</sup> day of May 2008.

Respectfully submitted,  
GRAYBEAL JACKSON HALEY LLP



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